PCBUs, workers and officers

The Work Health and Safety Act and Regulations (2012) use the term ‘persons conducting a business or undertaking’ (PCBU) instead of ‘employer’ and ‘workers’ instead of ‘employees’.

Who should read this?
This fact sheet should be read by PCBUs, officers and workers.

Persons conducting a business or undertaking (PCBU)
A PCBU conducts a business or undertaking alone or with others. The business or undertaking can operate for profit or not-for-profit. The definition of a PCBU focuses on the work arrangements and the relationships to carry out the work.

Although employers are PCBUs, the term PCBU is much broader than this and may include:
- a corporation
- an association
- partners in a partnership
- a sole trader
- a volunteer organisation which employs any person to carry out work
- householders where there is an employment relationship between the householder and the worker

You are not considered to be a PCBU if you:
- are engaged solely as a worker or an officer
- are an elected member of a local authority
- are a volunteer association that does not employ anybody
- are a strata title body corporate responsible for common areas used only for residential purposes — providing you do not employ any workers.

Worker
You are considered to be a worker if you carry out work for a PCBU, such as:
- an employee
- a contractor or sub-contractor
- an employee of a contractor or sub-contractor
- an employee of a labour hire company
- an apprentice or trainee
- a student gaining work experience
- an outworker
- a volunteer.

You can also be a PCBU and a worker if you carry out work for another PCBU.
**Officer**

An officer is a person who makes decisions, or participates in making decisions, that affect the whole or a substantial part of a business or undertaking or has the capacity to significantly affect the financial standing of the business or undertaking.

If a person is responsible only for implementing those decisions, they are not considered an officer. Partners of a partnership are not officers but are PCBU’s.

An officer of a PCBU must exercise due diligence to ensure that the PCBU complies with their duties under the WHS legislation.

You are considered to be an officer if you are:

- an officer within the meaning of section 9 of the Commonwealth Corporations Act 2001
- an officer of the Crown within the meaning of section 247 of the Work Health and Safety Act 2012
- an officer of a public authority within the meaning of section 252 of the Work Health and Safety Act 2012.

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